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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,567	03/17/2004	Romeo Deplazes	0127-093P/JAB	3501
22831 7590 08/01/2007 SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 08/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/802,567

**Applicant(s)**

DEPLAZES ET AL.

**Examiner**

Evan H. Langdon

**Art Unit**

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herkel et al. (6,173,814 B1).

In regards to claims 1 and 2, Herkel discloses a control circuit for a lift system 8 having a lift cage movable in a lift shaft 70 by a drive unit, a control 20 for controlling the drive unit, a data bus 4 connected with the control, shaft doors for closing the lift shaft, locking devices for locking the shaft doors at a shaft side and lock sensors 91-93 for monitoring the setting of the locking devices, wherein the lock sensors 91-93 are connected with the control by way of the data bus 4, the improved control circuit comprising means for repeatedly interrogating a lock sensor at short time intervals (col. 2, lines 60-64 and col. 7, lines 29-67) by way of the data bus 4, and for periodically testing the function of the locking sensors (col. 2, lines 60-61 and col. 3, lines 25-37) of all elevator shaft doors by

a) observing the signals lock sensors produce during opening/closing of the shaft doors in normal elevator operation and

b) periodically testing the lift cage at a story whose shaft doors have not been operated within a defined period of time, opening and closing the shaft doors, and

Art Unit: 3654

observing the signals produced by the lock sensor associated with the shaft doors (col. 2 ll. 8-15 and col. 4 ll. 51-60).

Herkel teaches periodic testing of the locking sensors regardless of whether data is being provided (col. 4 ll. 53-55). Thus, it is obvious that this testing is automatic and that a story whose shaft doors have not been operated will be tested from hardware checks, and within a defined period of time, a lift cage will be sent to that story and tested.

In regards to claims 3-5, Herkel teaches the locking sensor 91-93 includes means for monitoring the state of the associated locking device (Herkel, col. 5 line 38 – col. 6 line 9).

In regards to claims 6-9, Herkel teaches the control includes means for evaluating interrogation of the locking sensors in order to be able to trigger one or more of: recognition and localization of a fault; triggering of a service call; or, if an open shaft door was recognized, stopping lift cage or carrying out a situation-adapted reaction, and the control includes means for evaluating the interrogation of the locking sensors in order to correct ascertained transmission errors by evaluation of several data packets, and including means for monitoring a cage door in order to make possible, by means of a coincidence check of the signals of a shaft door and the a cage door, a statement about the functional capability of at least one of the shaft door and the locking sensor of the shaft door. (Herkel, col. 7 line 29 – col. 8 line 5).

In regards to claim 10, Herkel teaches means for detecting a state of the shaft doors and for transmitting information about the state of the shaft door by way at least one of the data bus or a safety bus to the control (Herkel, col. 3, lines 58-65).

### *Response to Arguments*

Art Unit: 3654

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. The amendment to claim 1, "automatically initiating a test travel..." necessitated the new grounds of rejection. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., test travel independent of normal operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The test travel of the Herkel lift cage is conducted during normal operation of the lift cage safety system. The sending of a lift cage to a story whose shaft doors have not been operated happens during the normal operation of Herkel. <sup>addition</sup> In ~~addition~~, the defined period of time has not been defined and is infinite.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

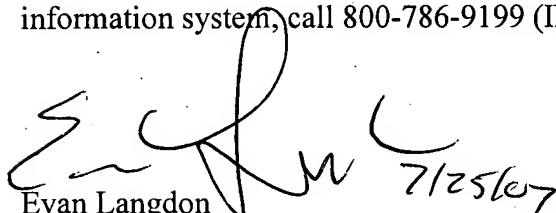
Art Unit: 3654

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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